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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,095	07/06/2001	Tomonori Hamada	1602-0173P	2746

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/899,095

Applicant(s)

HAMADA ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 February 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### ***Drawings***

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 4, 2003 have been approved.

The drawings are objected to because the figures include the superfluous letting such as "INSIDE OF CABIN" in figure 1a and "INNER SIDE LIP ON THE OUTER SIDE WITH RESPECT TO THE CABIN" in figure 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "each lip portion . . . of the door glass run body" on lines 2-3 are confusing since it is unclear how each lip portion can extend from both sides of the door glass run body. On line 8, "a rear face" is confusing since it is unclear what element of the invention includes the rear face to

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which the applicant refers. On line 9, "the lip portion" is confusing since it is unclear to which of the two lip portions set forth above the applicant is referring. On line 10, "an inner wall face" is confusing since it is unclear if the applicant is referring to the inner wall face set forth above or is attempting to set forth another inner wall face in addition to the one set forth above. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.]

Recitations such as "a pair of lip portions with each lip portion extending from opposite sides of an opening edge" on lines 4-5 of claim 1 render the claims indefinite because it is unclear how each of the lip portions can extend from both sides of the opening edge of the door glass run body. Recitations such as "at least one of said lip portions body" on line 8 of claim 2 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Recitations such as "at least one of said lip portions " on line 9 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the at least one of the lip portions set forth above or is attempting to set forth another at least one of the lip portions in addition to the one set forth above. Recitations such as "the lip portion" on line 2 of claim 3 render the claims indefinite because it is unclear which one of the two lip portions set forth above the applicant is referring to. Recitations such as "said inner wall face" on line 2 of claim 6

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render the claims indefinite because they lack antecedent basis. Recitations such as "5 mm" on line 2 of claim 18 render the claims indefinite because it is unclear how the depth of the notch portion can be equal to or less than 0.5 mm (claim 11) and be 5 mm (claim 18).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Keys. Keys discloses a door glass run attached to a door sash of a vehicle (not numbered, but seen in figure 1) for sealing between the door sash and a door glass 14 comprising a door glass run body 10 having a substantially U shaped cross section and a pair of lip portions 28 and 48 with each lip portion extending from opposite sides of an opening edge of the door glass run body toward a bottom face portion (not numbered, but seen in figure 5) of the door glass run body and slidably contacting with the door glass, the pair of lip portions having lengths individually set so that, even if the door glass vibrates in the door glass run body, the lip portions may not be spaced away from the door glass, a notch portion (not numbered, but seen in figure 7) is formed between a base end portion of the lip portion 28 and the inner wall face of the door glass run body,

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the lip portions also comprising means for preventing the lip portions from being spaced away from the door glass.

Claims 2-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Keys. Keys discloses a door glass run attached to a door sash of a vehicle (not numbered, but seen in figure 1) for sealing between the door sash and a door glass 14 comprising a door glass run body 10 having a substantially U shaped cross section and a pair of lip portions 28 and 48 with each lip portion extending from opposite sides of an opening edge of the door glass run body toward a bottom face portion 16 of the door glass run body and slidably contacting with the door glass, a protrusion 29 being provided on an inner wall face of the door glass run body in an opposing relationship to a rear face of at least one of the lip portions 28 and point contacting with the at least one of the lip portions, the protrusion having a height set so that, even if the door glass vibrates, an end portion of the one of the lip portions does not contact with the door glass run body, a notch portion (not numbered, but seen in figure 7) is formed between a base end portion of the lip portion 28 and the inner wall face of the door glass run body.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keys as applied to claims 1, 6, 16 and 17 above. Keys is silent concerning the particular depth of the notch portion.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the notch portion of Keys with a depth equal to or less than 0.5 mm or with a depth of 5 mm to ensure the proper flexibility of the lip portion.

Claims 12-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keys as applied to claims 2-5 and 7-10 above. Keys is silent concerning the particular dept of the notch portion.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the notch portion of Keys with a depth equal to or less than 0.5 mm or a depth equal to 5 mm to ensure the proper flexibility of the lip portion.

***Response to Arguments***

Applicant's arguments filed February 4, 2003 have been considered but are not persuasive.

With respect to the applicant's arguments concerning Keys, the examiner respectfully disagrees. Keys, in column 2, lines 54-55, discloses a second lip 28 which deflects the window pane 14 and, in column 3, lines 59-61, discloses an additional lip 48 which sealing engages the window pane 14. Additionally, a comparison of figures 3 and 5 clearly shows that lips 28 and 48 are deflected outwardly when the window pane is positioned in the closed position. Thus, both of the lips are engaged with the window pane 14 when the window pane is in the closed position. As shown in figure 5, the lip 28 cannot move further to the right because of the engagement of the lip 28 with the protrusion 29. Thus, any vibration in the window pane 14 must be absorbed by further deflecting lip 48 during which time the lip 28 will deflect inwardly, towards its undeflected state, due to its resilient construction. Therefore, Keys clearly discloses a door glass run wherein both of the lips 28 and 48 will remain in contact with the window pane 14 even during vibration of the window pane.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
April 14, 2003